

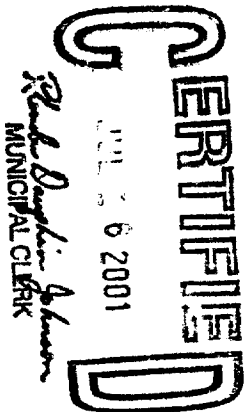
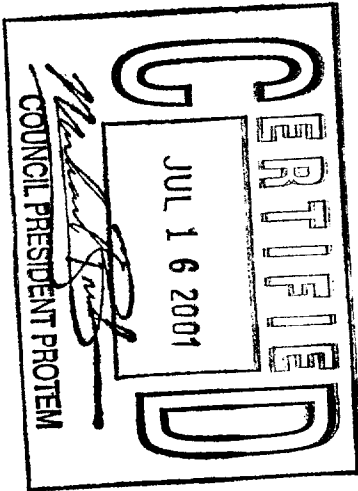
Entered - 06/20/01 - sb  
CL01L0389 - DIANNE C. MITCHELL

01- R-1038

CLAIM OF: VAN CULPEPPER, ON BEHALF OF  
DEANDRE PASS, a minor  
through their attorney,  
Glenda S. Cook  
229 Peachtree Street, NE  
2450 International Tower

For damages alleged to have been sustained as a result of injuries  
caused by employees of the Atlanta Board of Education in December,  
2000 at an undisclosed school.

THIS ADVERSED REPORT IS APPROVED



BY: Rosalind Rubens Newell  
ROSALIND RUBENS NEWELL  
DEPUTY CITY ATTORNEY

CONSENT AGENDA

## ADVERSE REPORT

PUBLIC SAFETY &

LEGAL ADMINISTRATION COMMITTEE

DATE: 07/10/01

CHAIR: C. T. Martin

[Signature]  
[Signature]  
[Signature]

ADVERSED BY  
CITY COUNCIL  
JUL 16 2001



CITY OF ATLANTA  
OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC  
MUNICIPAL CLERK

55 TRINITY AVENUE, S.W.  
SECOND FLOOR, EAST  
SUITE 2700  
ATLANTA, GEORGIA 30335  
(404) 330-6033  
FAX (404) 658-6103

July 26, 2001

Glenda S. Cook  
Attorney at Law  
2450 International Tower  
229 Peachtree St., NE  
Atlanta, GA 30303

01-R-1038

RE: Van Culpepper, on behalf of Deandre  
Pass, a minor

Dear Attorney Cook:

I sincerely regret that your client has been adversely affected by the circumstances raised in his/her claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your client's claim at its regular meeting on July 16, 2001. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the City Attorney's Office/Claims Division at (404) 330-6400.

Yours very truly,  
*Rhonda Dauphin Johnson*

Rhonda Dauphin Johnson, CMC  
Municipal Clerk

cc: Claims Division/Law Department

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 01L0389

Date: June 25, 2001

Claimant /Victim VAN CULPEPPER, ON BEHALF OF DEANDRE PASS, a minor  
BY: (Atty) Glenda S. Cook  
Address: 229 Peachtree Street, NE, 2450 International Tower, Atlanta, Georgia 30303  
Subrogation: Claim for Property damage \$ Bodily Injury \$ not stated  
Date of Notice: 05/30/01 Method: Written, proper X Improper         
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X  
Date of Occurrence 12/00 Place: Not Stated  
Department                      Division:                       
Employee involved                      Disciplinary Action:                     

NATURE OF CLAIM: The claimant alleges that his minor child was injured by employees of the Atlanta Board of Education. The Atlanta Board of Education is a separate legal entity from the City of Atlanta. The claimants' attorney has been advised to pursue this claim directly with the Atlanta Board of Education.

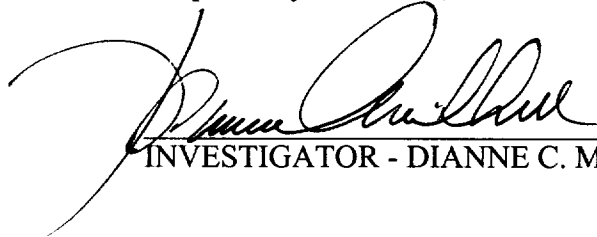
INVESTIGATION:

Statements: City employee        Claimant        Others        Written        Oral         
Pictures        Diagrams        Reports: Police        Dept Report        Other         
Traffic citations issued: City Driver        Claimant Driver         
Citation disposition: City Driver        Claimant Driver       


BASIS OF RECOMMENDATION:

Function: Governmental                      Ministerial                       
Improper Notice        More than Six Months        Other        Damages reasonable         
City not involved X Offer rejected                      Compromise settlement                       
Repair/replacement by Ins. Co.                      Repair/replacement by City Forces                       
Claimant Negligent                      City Negligent                      Joint                      Claim Abandoned                     

Respectfully submitted,

  
INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

Pay \$                      Adverse X Account charged: 1A01        2J01        2H01         
Claims Manager:  Concur/date 06-26-01  
Committee Action:                      Council Action

*DeAndre*

**GLEND S. COOK**

Attorney at Law

229 Peachtree Street, N.E.

2450 International Tower

Atlanta, Georgia 30303

Phone: (404) 577-0860 Fax: (404) 577-9443

E-mail: LawAtlanta@aol.com

*M. Achul*  
*06/13/01*  
*me*

May 25, 2001

Atlanta Public Schools  
Beverly L. Hall, Ed. D.  
Office of the Superintendent  
Administration Building  
210 Pryor Street, S.W.  
Atlanta, GA 30335

ENTERED - 6-20-01 - SB  
01L0389 - DIANNE MITCHELL

William J. Linkous, III  
Office of the General Counsel  
Law Department-City of Atlanta Public Schools  
210 Pryor Street

CITY OF ATLANTA, a municipality  
Mr. Bill Campbell, Mayor  
55 Trinity Avenue, S.W.  
Atlanta, Georgia, 30303,

City of Atlanta  
Kristen Brooks  
Associate City Attorney  
City of Atlanta Department of Law  
68 Mitchell Street S.W.  
Atlanta, GA 30335-0332

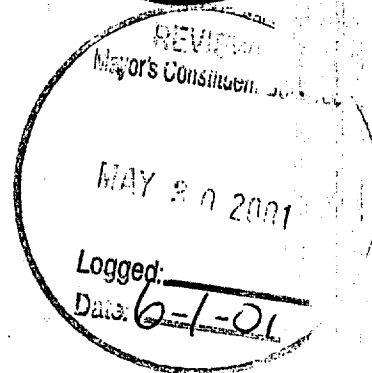
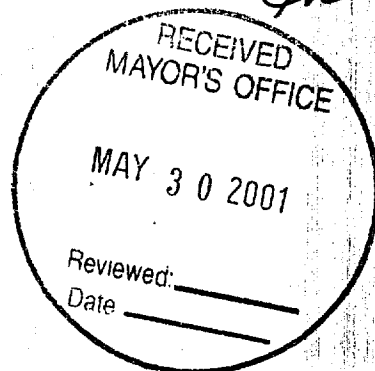
Re: Ms. Stephanie Hintler

My client: Van Culpepper on behalf of DeAndre Pass

D/O/B: 03/06/93

Dear Ms. Hall:

Mr. Culpepper has retained me represent his son, DeAndre Pass, in an claim against Atlanta Public Schools. In December of 2000, DeAndre got off of the bus crying. When asked what had happened, he stated his teacher, Ms. Stephanie Hintler, made him miss the bus. When DeAndre was asked to further explain the entire situation, he said that Ms. Hintler had slapped him in the face and caused him to cry. She also held him behind when the bus left but fortunately the bus driver came back for him. This type of behavior by a teacher is absolutely unacceptable.



Upon further investigation, DeAndre stated that Ms. Hintler frequently uses cuss words as well as the "N" word at the children. Mr. Culpepper reported the use of the bad language and the "N" to the school principal, Dr. Gammons, in November but received no acknowledgment that anything had happened with that complaint. Perhaps her slapping DeAndre in December was some type of retribution for Mr. Culpepper reporting her foul language to the principal or perhaps Ms. Hintler is just a naturally violent person. Either way, the school is responsible if it knows of this type of behavior and allows it to continue.

After DeAndre was slapped in December, Mr. Culpepper again reported the bizarre behavior of Ms. Hintler to Dr. Gammons. Damaris Perryman, Interim Director of the Office of Internal Resolution investigated the matter and determined that "there was insufficient evidence to suggest a violation of a school system policy or regulation, civil law, ethical standard . . . " Slapping a child is clearly a **violation of criminal law** and would be "simple battery" at the minimum. Grabbing children and/or slapping them is not allowable.

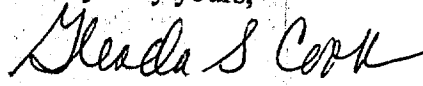
The incident with Ms. Hintler slapping DeAndre Pass is not the first incident of excessive and unnecessary use of force by her. In September or October of 2000, Kendrick Johnson was "cussed at," "grabbed" and his arm was "squeezed real hard". Linda Jacobs, Kendrick's mother reported Ms. Hintler's behavior to the assistant principal who promised her that he "would look into the matter." Ms. Jacobs was never contacted again by the school or the school system.

Based on the fact that Ms. Hintler's despicable behavior was reported to the assistant principal in September or October by Ms. Jacobs, and again in November by Mr. Culpepper, the school should have thoroughly investigated Ms. Hintler's actions prior the incident in December and perhaps the slapping of an 8 year old boy would not have happened. If the school had done any type of investigation other than the apparent superficial one based on the slapping in December, it would have revisited Ms. Jacobs complaint and realized that two complaints against the same teacher for the same thing must have merit.

Ms. Hintler should no longer be allowed to be around children based on her egregious actions in using both the "N" and the physical violence exhibited not once but on the two different occasions described above. Teachers who mistreat young children with disparaging remarks about a race or by abusive touchings/slappings should be banned from every school system. When the school knows about that behavior, it has a duty to stop it and to make sure the individual teacher does not continue such unacceptable behavior. If Ms. Hintler had received a warning or write-up from the first incident in October, surely the second incident most likely would not have occurred.

Pursuant to O.C. G.A. §36-33-5, we are providing you with written notice of our intent to seek money damages for the behavior of Ms. Hintler, on or about December 5, 2001 at 2:30 p.m. The date is an approximation only but surely the school has a written record of Mr. Culpepper's visit to complain about Ms. Hintler. Should need further information or wish to set up a meeting, please give me a call.

Very truly yours,

  
Glenda S. Cook

01-R-1038

RCS# 2995  
7/16/01  
2:24 PM

Atlanta City Council

Regular Session

CONSENT

Pages 1 through 16

ADOPT

YEAS: 13  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 1  
EXCUSED: 0  
ABSENT 2

SEE ATTACHED LISTING OF  
ITEMS ADOPTED/ADVERSED  
ON CONSENT AGENDA

B McCarty	Y Dorsey	Y Moore	Y Thomas
Y Starnes	Y Woolard	Y Martin	Y Emmons
Y Bond	B Morris	Y Maddox	Y Alexander
Y Winslow	Y Muller	Y Boazman	NV Pitts

ITEM (S) REMOVED FROM  
CONSENT AGENDA

01-O-0992 01-R-1108  
01-O-0710 01-R-1041  
01-O-0711 01-R-1042  
01-O-1089 01-R-1043  
01-O-0995 01-R-1065

CONSENT

**ITEMS ADOPTED  
ON CONSENT  
AGENDA**

1. 01-O-1091
2. 01-O-0722
3. 01-O-0855
4. 01-O-0890
5. 01-O-0891
6. 01-O-0980
7. 01-O-0924
8. 01-O-1086
9. 01-O-1090
10. 01-O-0731
11. 01-O-0917
12. 01-R-1013
13. 01-R-1014
14. 01-R-1015
15. 01-R-1016
16. 01-R-1007
17. 01-R-1009
18. 01-R-1012
19. 01-R-1005
20. 01-R-1006
21. 01-R-1011
22. 01-R-1109
23. 01-R-1017
24. 01-R-1077
25. 01-R-1080
26. 01-R-1019
27. 01-R-1020
28. 01-R-1021
29. 01-R-1022
30. 01-R-1023
31. 01-R-1024
32. 01-R-1025
33. 01-R-1026
34. 01-R-1027
35. 01-R-1028
36. 01-R-1107

**ITEMS ADVERSED  
ON CONSENT  
AGENDA**

37. 01-R-1029
38. 01-R-1030
39. 01-R-1031
40. 01-R-1032
41. 01-R-1033
42. 01-R-1034
43. 01-R-1035
44. 01-R-1036
45. 01-R-1037
46. 01-R-1038
47. 01-R-1039
48. 01-R-1040
49. 01-R-1044
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68. 01-R-1063
69. 01-R-1064
70. 01-R-1066
71. 01-R-1067
72. 01-R-1068

**ITEMS ADVERSED  
ON CONSENT  
AGENDA**

73. 01-R-1069
  74. 01-R-1070
  75. 01-R-1071
  76. 01-R-1072
  77. 01-R-1073
  78. 01-R-1104
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